

REMARKS/ARGUMENTS

Claims 25 - 31 remain in this application. Claims 1-24 have been withdrawn as the result of an earlier restriction requirement. Claims 25 and 31 are amended by this paper. No claims have been added.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 1-24 in a divisional application.

Claim Rejections – 35 USC Section 102

The Examiner has once-again rejected claim 25 under 35 USC 102(b) as being anticipated by Losada (US 6,273,316). Similarly, the Examiner has rejected claim 31 as being anticipated by Losada. The Examiner has adopted what he believes to be the broadest interpretation of claims 25 and 31, saying the claims merely call for the track to be “shaped to conform with the curved shape of the plate (318) in such a way as to allow the plate to move within the track, with no interference, for example, the track accommodates the curved plate as to permit the free movement of the curved plate and stud.” Examiner’s Office Action of June 18, 2007, pages 5 to 6.

Applicant has amended claims 25 and 31 to positively claim the limitation that requires the shape of the track to “match the contour of” substantially all of the curved plate “along the first top side of the curved plate and along the second bottom side of the curved plate.” In contrast, the track of Losada '316 does not match the contour of substantially all of the plate of Losada along either, let alone both, of its sides. In this manner, claims 25 and 31 allow for only a certain plate with a certain contour to be received by a certain track, thus minimizing the risk of

jamming of the plates in the track.

Applicant believes claims 25 and 31 are now allowable over Losada.

Claim Rejections – 35 USC Section 103

The Examiner has rejected claim 31 under 35 USC 103 as being rendered obvious in light of Losada. The Examiner argues that the choice to not use bends in the fastener plate of claim 31 that are less than the minimum thickness of the plate is an obvious design choice over Losada. Applicant respectfully disagrees. Fastener plates are formed with various configurations for various purposes. For example, the configuration of the fastener assembly shown in Losada patent US 6,273,316 is the subject of US Patent 4,736,923. Meanwhile, the fastener of claim 31, due to its limitations, cannot be formed with the groove shown in figures 7 and 8. The fastener of claim 31 is described in a manner that places limitations on the structure of the fastener that maximize its ability to travel through the track, while compromising other purposes.

Applicant believes the claim is allowable over the prior art cited by the Examiner.

Allowable Subject Matter

The Examiner has indicated that claims 26 through 29 are allowable.

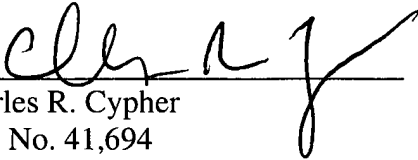
Appl. No. 10/687,680
Amdt. dated December 18, 2007

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
LAW OFFICES OF JAMES R. CYPHER

Date December 18, 2007

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